

REMARKS

Claims 1 and 4 – 14 are in the application and are presented for consideration. By this amendment, Applicant has amended claim one including features from original claims 2 and 3. Original claims 2 and 3 have been canceled. Claim 14 has been added. New claim 14 is similar to claim 1 as amended. A substitute specification has been presented to address issues relating to the specification. A new abstract is also attached. No new matter has been added. A replacement sheet of drawings is attached to address issues relating to the drawing.

The drawings have been objected to with regard to reference number 13. Applicant has corrected the text of the specification which included the typographical error relating to reference number 13. The detector circuit is now referenced as detector circuit 10 in paragraph [0028]. The drawings have also been corrected such that a bracket designates the pair of electrodes referenced by Figure 4A.

The specification has been amended. The abstract has been corrected. Appropriate headings have been added to the specification.

The claims have been objected to based on informalities. The claims have now been revised to address the issues raised in the office action.

Claim 11 has been rejected under 35 U.S.C. section 112, second paragraph, as being indefinite. Applicant has now made changes to claim 11 such that the claim is clear and definite as presented. However, it is noted that the function can be presented after the term “means” and indeed the term “means” is not itself essential for a means plus function claim (the term “means” is not essential to invoke 35 U.S.C. section 112, paragraph 6).

Claims 1 – 3 and 6 – 8 have been rejected under 35 U.S.C. section 102(b) as being anticipated by Wiksell et al. (US 4,846,196). The rejection takes the position that Wiksell et al. teaches each of the features as claimed.

Wiksell et al. discloses an apparatus in which the active electrode is formed to be inserted into a numeral cavity. The device also provides a temperature sensor 14 which is placed in the vicinity of the active electrode. This is not able to detect skin temperature and the structure recited is not capable of functioning as claimed. Further, the electrode is separate from and spaced apart from the temperature sensor according to Wiksell et al.

Applicants invention includes a combination of features including an active electrode which forms part of an application means for applying radiation generated to this skin of a human (patient). Wiksell et al. does not disclose this. Wiksell et al. also does not disclose a temperature sensor for sensing a temperature of the skin of the human (patient). There is no teaching or suggestion in Wiksell et al. Of providing a temperature sensor incorporated in an active electrode. Wiksell et al. fails to anticipate and fails to suggest:

“ active electrode being provided with a sensor means for the detection of skin temperature of the skin portion, said sensor means including at least a sensor incorporated in said active electrode”

Accordingly, Wiksell et al. fails to suggest the claimed invention. Claim 1 should be considered patentable in view of Wiksell et al.. Further, the claims which depend from claim one should also be considered patentable. Further coming to claim 14 as presented is not anticipated by Wiksell et al..

Claims 4 and 11 through 12 have been rejected as obvious based on Wiksell et al. in

view of Cosman et al. (US 2002/0111617). The rejection is based on the position that Wiksell et al. discloses all the features as required by the base claim. However, as noted above, the invention includes a combination of features which is neither taught nor suggested by the prior art including Wiksell et al. and Cosman et al. The claims which depend on claim 1 also patentably define over the prior art including Wiksell et al. and Cosman et al.. Accordingly, reconsideration of each of the rejections is requested.

Further and favorable consideration on the merits is requested.

Respectfully submitted
for Applicant,



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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

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